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Attorneys for Mr. Mario Barron-Galvan

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
(**HONORABLE MARILYN L. HUFF**)

UNITED STATES OF AMERICA,

Plaintiff,

v.

MARIO BARRON-GALVAN,

Defendant.

CASE NO. 07cr3469-H

DATE: January 22, 2008

TIME: 2:00 p.m.

NOTICE OF MOTIONS:

- (1) TO COMPEL DISCOVERY;
- (2) TO DISMISS INDICTMENT DUE TO MISINSTRUCTION;
- (3) TO DISMISS INDICTMENT FOR FAILURE TO ALLEGE ELEMENTS
- (4) TO STRIKE SURPLUSAGE; AND,
- (5) FOR LEAVE TO FILE FURTHER MOTIONS

TO: KAREN P. HEWITT, UNITED STATES ATTORNEY, AND
WILLIAM HALL, ASSISTANT UNITED STATES ATTORNEY:

PLEASE TAKE NOTICE that on January 22, 2008, at 2:00 p.m., or as soon thereafter as counsel may be heard, the defendant, Mario Barron-Galvan, by and through his counsel, Robert Rexrode, will ask this Court to enter an order granting the following motions.

MOTIONS

The defendant, Mario Barron-Galvan, by and through his attorney, Robert Rexrode, pursuant to the United States Constitution, the Federal Rules of Criminal Procedure, and all other applicable statutes, case law and local rules, hereby moves this Court for an order:

- 1) to compel discovery;
- 2) to dismiss the indictment due to misinstruction;
- 3) to dismiss the indictment for failure to allege elements;
- 4) to strike surplusage; and,
- 4) for leave to file further motions.

These motions are based upon the instant motions and notice of motions, the attached statement of facts and memorandum of points and authorities, and all other materials that may come to this Court's attention at the time of the hearing on these motion.

Respectfully submitted,

Dated: January 8, 2008

/s/ Robert H. Rexrode
ROBERT H. REXRODE, III
Attorneys for Mr. Barron-Galvan
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